

PATENT  
Atty. Docket No. 1171/39464A/99A-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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I hereby certify that this paper or fight being deposited with the United States  
Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R.  
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Box 1450, Alexandria, VA 22313-1450.

Tiffany E. Sexton  
Tiffany E. Sexton

03970 U.S. PRO  
10/649938  
08/27/03

BOX PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

03970 U.S. PRO  
10/649938  
08/27/03

**TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)**

1. **Type of Application**

This new application for a

[ X ] Continuation

[ ] Divisional

application under 37 CFR 1.53(b), of pending prior application Serial No. 09/886,835, which was filed on June 21, 2001, of Daniel John Smith and David Peter Baldwin and entitled "CONDUIT WITH HEATED WICK".

2. **Benefit of Prior U.S. Application(s)**

[ X ] The new application being transmitted claims the benefit of prior U.S. application(s).

[ X ] Amend the specification by inserting on the first page, after the title:

This application is a continuation application of Serial No. 09/886,835, filed on June 21, 2001, and entitled "Conduit With Heated Wick".

3. **Papers Enclosed**

[X] 9 pages of specification

[X] 3 page of claims

[X] 1 page of Abstract

[X] 5 sheets of formal drawings

[X] 2 pages of *executed* declaration and power of attorney.

[X] 2 pages of an Application Data Sheet

**4. Amendments**

A Preliminary Amendment is enclosed.

**5. Information Disclosure Statement**

An Information Disclosure Statement is submitted herewith.

**6. Fee Calculation (37 CFR 1.16)**

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee
			\$ 750.00
Total Claims	10	x \$ 18.00	\$ .00
Independent Claims	1	x \$ 84.00	\$ .00
Multiple dependent claim(s), if any		+ \$280.00	\$ .00
Filing Fee Calculation		\$	\$ 750.00

**7. Small Entity Status**

Applicant hereby asserts status as a Small Entity under 37 C.F.R. §1.27

**8. Inventorship Statement**

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):

the same

less than those named in the prior application. It is requested that the following inventors identified above for the prior application be deleted:

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(b) The inventorship for the claims in this application is:

the same.

not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

**9. Assignment**

The prior application is assigned of record to

Fisher & Paykel Healthcare Limited, 78 Springs Road, East Tamaki, Auckland,  
New Zealand

**10. Fee Payment Being Made At This Time**

- [X] basic filing fee: \$ 750.00  
[ ] recording assignment (\$40.00; 37 CFR 1.21(h))  
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW PATENT APPLICATION".)  
[ ] processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)).

**11. Method of Payment of Fees**

- [X] A check in the amount of \$750.00

**12. Authorization To Charge Additional Fees**

- [X] The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 12-2252.
- [X] 37 CFR 1.16(a), (f) or (g) (filing fees)  
[X] 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)  
[ ] 37 CFR 1.17 (application processing fees)

**13. Power of Attorney**

- [X] The power of attorney in the prior application is to  
Raiford A. Blackstone, Jr., Reg. No. 25,156

- a. [ X ] The power appears in the original papers in the prior application.  
Enclosed herewith is a copy of the Power as originally filed on July 26, 2001.
- b. [ ] Because the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [ ] A new power has been executed and is attached.
- d. [X] Address all future communications to:

Raiford A. Blackstone, Jr.  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street  
Suite 3600  
Chicago, Illinois 60603-6299  
(312) 704-1890

**14. Petition for Extension of Time in Prior Application**

- [ ] A petition for extension of time and an amendment was filed on \_\_\_\_\_ with the pending parent application to extend the date for response up to and including \_\_\_\_\_.
- [ ] A copy of the petition for extension of time in the pending parent application is attached.

Respectfully submitted,

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.

Attorney for Applicant

By:

  
Raiford A. Blackstone, Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
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Date: Aug. 27, 2003

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